

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CITY OF ALMATY, KAZAKHSTAN and
BTA BANK JSC,

Plaintiffs,

-against-

FELIX SATER, DANIEL RIDLOFF,
BAYROCK GROUP INC., GLOBAL
HABITAT SOLUTIONS, INC., RRMI-DR
LLC, FERRARI HOLDINGS LLC, and
MEM ENERGY PARTNERS LLC,

Defendants.

Case No. 1:19-cv-02645

DECLARATION OF MICHAEL S. HORN, ESQ.

I, **MICHAEL S. HORN, ESQ.**, declare as follows:

1. I am a Partner at Archer & Greiner, P.C., attorneys for the Defendant, Ferrari Holdings LLC. I have personal knowledge of the facts and circumstances set forth herein.
2. This declaration is respectfully submitted in support of an Order: 1) pursuant to FRCP 12 (b) (6), Rule 8 (a) and Rule 9 (b) dismissing the First Amended Complaint as to Ferrari Holdings LLC.
3. On March 25, 2019, Plaintiffs filed a Complaint for a civil action against multiple defendants without specifying sufficient facts or allegations as to Ferrari Holdings LLC. A true and accurate copy of the pleading filed by Plaintiff are annexed hereto as Exhibit 1.
4. On June 6, 2019 a Pretrial conference was scheduled. During the conference, I outlined Ferrari Holdings LLC's position with respect to this motion. *See e.g.* 2, p. 19:9 – 23:2.

In response, the court provided the parties an opportunity to meet and confer, and gave Plaintiffs the opportunity to amend their pleading before the filings of a motion to dismiss. Ex. 2, p. 23:15 – 24:7; 31:4 – 31:9.

5. On July 8, 2019, after the parties met and conferred, a briefing schedule was prepared to provide Plaintiffs yet another opportunity to amend the complaint after receiving Defendants initial motion to dismiss. A true and accurate copy of the letter is annexed hereto as Exhibit 3.

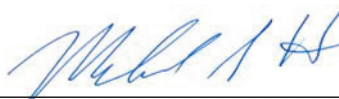
6. After the initial motions to dismiss were filed, on August 30, 2019, Plaintiffs filed a First Amended Complaint in this matter. A true and accurate copy of the First Amended Complaint and a redline version of the document highlighting changes between the initial Complaint and the First Amended Complaint are annexed hereto as Exhibit 4 and 5.

7. A significant portion of the First Amended Complaint, alleges that Richard Ferrari acted improperly. However, Richard Ferrari is not a litigant in this case and is not affiliated with Ferrari Holdings.

8. The member of Ferrari Holdings LLC is Frank Ferrari. While Richard Ferrari's father is named "Frank Ferrari," that individual is not the Frank Ferrari that is a member of Ferrari Holdings LLC. While they have a somewhat distant familiar relationship, they are not business associates.

I affirm under penalty of perjury that the foregoing is true and correct.

Executed on October 11, 2019.



MICHAEL S. HORN